

SUBCHAPTER XI—COURT OF MILITARY APPEALS

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"§ 941. Art. 141. Status

"There is a court of record known as the United States Court of Military Appeals. The court is established under article I of the Constitution. The court is located for administrative purposes only in the Department of Defense.

"§ 942. Art. 142. Judges

"(a) NUMBER.—The United States Court of Military Appeals consists of five judges.

"(b) APPOINTMENT: QUALIFICATION.—(1) Each judge of the court shall be appointed from civil life by the President, by and with the advice and consent of the Senate, for a specified term determined under paragraph (2). A judge may serve as a senior judge as provided in subsection (e).

"(2) The term of a judge shall expire as follows:

"(A) In the case of a judge who is appointed after March 31 and before October 1 of any year, the term shall expire on September 30 of the year in which the fifteenth anniversary of the appointment occurs.

"(B) In the case of a judge who is appointed after September 30 of any year and before April 1 of the following year, the term shall expire fifteen years after such September 30.

"(3) Not more than three of the judges of the court may be appointed from the same political party, and no person may be appointed to be a judge of the court unless the person is a member of the bar of a Federal court or the highest court of a State.

"(c) REMOVAL.—Judges of the court may be removed from office by the President, upon notice and hearing, for—

"(1) neglect of duty;

"(2) misconduct; or

"(3) mental or physical disability.

A judge may not be removed by the President for any other cause.

"(d) PAY AND ALLOWANCES.—Each judge of the court is entitled to the same salary and travel allowances as are, and from time to time may be, provided for judges of the United States Courts of Appeals.

"(e) SENIOR JUDGES.—(1) A former judge of the court who is receiving retired pay or an annuity under section 945 of this title (article 145) or under subchapter III of chapter 83 or chapter 84

of

title 5 shall be a senior judge.

"(2XA) The chief judge of the court may call upon a senior judge of the court, with the consent of the senior judge, to perform judicial duties with the court—

"(i) during a period a judge of the court is unable to perform his duties because of illness or other disability:

"(ii) during a period in which a position of judge of the court is vacant; or

"(iii) in any case in which a judge of the court recuses himself.

"(B) A senior judge shall be paid for each day on which he performs judicial duties with the court an amount equal to the daily

equivalent of the annual rate of pay provided for a judge of the court. Such pay shall be in lieu of retired pay and in lieu of an